



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/830,061

04/23/2004

Cheng-Hsing Liao

98730-000037/US

8726

30593 7590 12/28/2006
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

12/28/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/830,061	Applicant(s) LIAO ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlton-Foss (U.S. Patent No. 6,647,373) in view of Rupp (U.S. Patent Application Publication No. 2001/0042039).

Referring to claim 1. Carlton-Foss discloses a dynamically adjusting online bidding method, applicable to an online bidding system established on a web server, for providing a plurality of bidders bidding on at least a bid item registered by an inquirer, comprising steps of:

- Receiving inquiry information registered by said inquirer for at least a bid item; said inquiry information comprises specifications and quantity of said bid item, big price setting and preset weightings for each bidder (Carlton-Foss: abstract, figures 1 and 11, and column 3, lines 14-37);
- Storing said inquiry information in correspondent bid item databank (Carlton-Foss: figure 5);
- Receiving bidding will information from bidders; each will information comprises a will to attend the bidding and an initial bid price (Carlton-Foss: figure 5);

- Storing said will information in correspondent bid item databank (Carlton-Foss: figure 5);
- Ranking all bidders by said initial bid prices and weightings of said bidders, and storing said rank in correspondent bid item databank (Carlton-Foss: figure 11);
- Carlton-Foss discloses all of the above but does not expressly disclose receiving a bid price reduction ratio~~X~~ registered by a bidder. Rupp discloses a dynamically adjusting online bidding method comprising receiving at least a bid price reduction ratio registered by a bidder, and storing in correspondent bid item databank (Rupp: paragraph 80). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Carlton-Foss to have included receiving a bid price reduction ratio~~X~~ registered by a bidder, as taught by Rupp, in order to allow a bidder to enter a competitive bid quickly and easily (Rupp: paragraph 16).
- Updating new rank of bidders according to all newest bid prices and weightings of bidders, and storing said updated rank in correspondent bid item databank (Carlton-Foss: figure 15).

Referring to claim 2. The combination of Carlton-Foss and Rupp further discloses a method wherein said inquiry information comprises specifications on said bid item (Carlton-Foss: figures 4a-4b).

Referring to claim 3. The combination of Carlton-Foss and Rupp further discloses a method wherein said inquiry information comprises quantity of said bid item (Carlton-Foss: figure 12a).

Referring to claim 4. The combination of Carlton-Foss and Rupp further discloses a method wherein said inquiry information comprises starting time and ending time of bidding (Carlton-Foss: figure 15).

Referring to claim 5. The combination of Carlton-Foss and Rupp further discloses a method wherein said bidding setting comprises a minimum reduction ratio of bid price for a next bidding (Rupp: paragraph 80). The motivation to combine these references would be the same as indicated above in the rejection of claim 1.

Referring to claim 6. The combination of Carlton-Foss and Rupp further discloses a method comprising a set of information at least a bid gainer a final bidding result by said inquirer via said web (Carlton-Foss: column 6, line 56 – column 7, line 4).

Referring to claim 7. The combination of Carlton-Foss and Rupp further discloses a method wherein said final bidding result comprises specifications and quantity of bid item, starting and ending time of bidding, number of bid gainer, a minimum reduction ration of bid price for next bidding, and initial bid price, final bid price, and total bid price reduction ratio of said bid gainer (Carlton-Foss: abstract and figures 1,11,15 and Rupp: paragraph 80). The motivation to combine these references would be the same as indicated above in the rejection of claim 1.

Referring to claim 8. The combination of Carlton-Foss and Rupp further discloses a method comprising a step of closing said bidding by said inquirer (Carlton-Foss: column 6, line 56 – column 7, line 4).

Referring to claim 10. The combination of Carlton-Foss and Rupp further discloses a method comprising a step of setting a weighting for a bidder according to quality of bid item provided by said bidder (Carlton-Foss: column 8, lines 1-14).

Referring to claims 11-12. The combination of Carlton-Foss and Rupp further discloses a method wherein a bidder is set with a higher or lower weighting when said bid item provided by said bidder is certified or uncertified, respectively (Carlton-Foss: figure 14). The examiner notes that a certification for a bidder is interpreted to mean the ability to provide a warranty.

Referring to claim 13. The combination of Carlton-Foss and Rupp further discloses a method comprising a step of informing inquiry information to any a bidder by said inquirer via said web (Carlton-Foss: figures 1 and 2).

Referring to claim 14. The combination of Carlton-Foss and Rupp further discloses a method comprising a step of real time informing each bidder said updated rank of said bidder (Carlton-Foss: column 1, lines 51-61).

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Carlton-Foss and Rupp in view of Wong (U.S. Patent Application Publication No. 2005/0027639).

Referring to claim 9. The combination of Carlton-Foss and Rupp discloses all of the above but does not expressly disclose a method comprising a step of extending said bidding by said inquirer. Wong discloses a dynamically adjusting online bidding method comprising a step of extending said bidding by said inquirer (Wong: paragraph 42). It

Art Unit: 3625

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Carlton-Foss/Rupp to have included extending the bidding, as taught by Wong, in order to activity by suppliers near the scheduled closing (Wong: paragraph 42).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gillman (U.S. Patent Application Publication No. 2002/0147674 discloses a system and method for specialized reverse auction).
- Lee (U.S. Patent Application Publication No. 2002/0165814) discloses a system and method for ranking objects having multiple attributes.
- Guler (U.S. Patent Application Publication No. 2005/0154667) discloses a system and method for comparing results of multiple lot auctions using different sequencing rules.

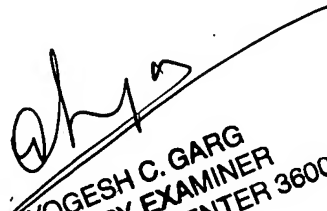
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD
Patent Examiner
12/20/06


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600